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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 GREGORY J. BENNETT,

10 Petitioner,

11 vs.

12 BENEDETTI, et al.,

13 Respondents.  
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Case No. 3:10-cv-00159-RCJ-VPC

**ORDER**

15 Before the court are petitioner's motion for issuance of subpoena duces tecum (#42) and  
16 motion for an extension of time (#43). Petitioner bases both requests on a claim that he needs time  
17 and resources to develop a claim that the prosecution withheld potentially exculpatory evidence, in  
18 violation of Brady v. Maryland, 373 U.S. 83 (1963). However, there is no Brady claim in the  
19 petition (#6). A reply brief is not the correct pleading in which to present a new ground for relief.  
20 Cacoperdo v. Demosthenes, 37 P.3d 504, 507 (9th Cir. 1994). The court will grant petitioner a short  
21 extension to submit a reply to the answer (#40) to the grounds that actually remain in the petition.

22 IT IS THEREFORE ORDERED that petitioner's motion for issuance of subpoena duces  
23 tecum (#42) is **DENIED**.

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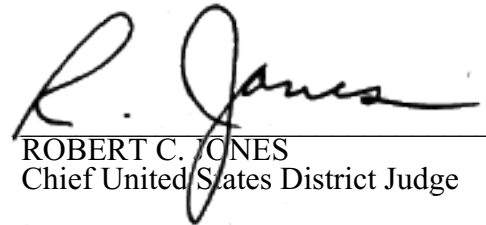
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1 IT IS FURTHER ORDERED that petitioner's motion for an extension of time (#43) is  
2 **GRANTED** in part. Petitioner shall have through August 16, 2013, to file and serve a reply to the  
3 answer (#40).

4 Dated: August 21, 2013.

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7 ROBERT C. JONES  
8 Chief United States District Judge  
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